

TEACHERS' RETIREMENT BOARD
BENEFITS AND SERVICES COMMITTEE

SUBJECT: CONSENT AGENDA

ITEM NUMBER: 4

ATTACHMENT(S): 9

ACTION: X

DATE OF MEETING: September 3, 1998

INFORMATION:

PRESENTER(S): Mss. Bridges/Olivo

NAME: DONALD J. PETERSON

HEARING DATE: MAY 14, 1998

PROPOSED DECISION: Administrative Law Judge Nancy L. Rasmussen, Oakland, concluded by reason of the facts presented that the respondent has not established a legal basis for changing the effective date of his pre-retirement election of an option. Staff recommends that the Board adopt the Proposed Decision since it reflects the issues and evidence presented at the hearing and the determination of the issue is adequately supported within the body of the decision.

NAME: RUTH CARPE

HEARING DATE: JUNE 18, 1998

PROPOSED DECISION: Administrative Law Judge Nancy L. Rasmussen, Oakland, concluded by reason of the facts presented that the respondent's request to change her benefit coverage from Coverage A to Coverage B is denied as there is no legal basis for granting such a request. Staff recommends that the Board adopt the Proposed Decision since it reflects the issues and evidence presented at the hearing and the determination of the issue is adequately supported within the body of the decision.

NAME: FRED G. MEYER

HEARING DATE: JUNE 18, 1998

PROPOSED DECISION: Administrative Law Judge Milford A. Maron, Los Angeles, concluded by reason of the facts presented that the respondent's request to retroactively change Ruth Meyer's selection of the unmodified allowance to an Option 2 allowance after the retired member's death is denied as there is no legal basis to do so. Staff recommends that the Board adopt the Proposed Decision since it reflects the issues and evidence presented at the hearing and the determination of the issue is adequately supported within the body of the decision.

**NAME: NAOMI C. DINKINS
(AKA NAOMI C. PERRY)**

HEARING DATE: JUNE 18, 1998

PROPOSED DECISION: Administrative Law Judge, Samuel D. Reyes, Los Angeles, concluded by the facts presented that respondent has not established that she is disabled within the meaning of Education Code section 22126. Staff recommends that the Board adopt the Proposed Decision to deny respondent's appeal requesting receipt of a monthly disability allowance benefit, since it reflects the issues and evidence presented at the hearing and the determination of the issue is adequately supported within the body of the decision.

NAME: GEORGINA KLUTE

HEARING DATE: JUNE 16, 1998

PROPOSED DECISION: Administrative Law Judge, John D. Wagner, Los Angeles, concluded by the facts presented that cause does not exist to grant respondent's request to receive a monthly Option Allowance. Staff recommends that the Board adopt the Proposed Decision to deny respondent's appeal requesting receipt of a monthly Option Allowance, since it reflects the issues and evidence presented at the hearing and the determination of the issue is adequately supported within the body of the decision.

NAME: DAN ROBBINS

HEARING DATE: JUNE 19, 1998

PROPOSED DECISION: Administrative Law Judge, Muriel Evens, Sacramento, concluded by the facts presented that the System owes a fiduciary duty to all its members, must reduce the respondent's monthly allowance to recover his overpayment and the System can not make a gift of money to a member. Staff recommends that the Board adopt the Proposed Decision to deny respondent's request that he not be required to repay an overpayment since it reflects the issues and evidence presented at the hearing and the determination of the issue is adequately supported within the body of the decision.

NAME: GEORGIA E. TAYLOR

DEFAULT DECISION: Government Code section 11520(a) provides that an agency may take action where, as in the present case, a respondent, bearing the burden of establishing that he or she is entitled to an agency action (i.e. approval of a Disability Retirement Application), fails to file a Notice of Defense (NOD). Staff recommends that the Board adopt the Default Decision as the member failed to preserve his right to a hearing on the merits of the action being sought from STRS by not filing a NOD.

NAME: ANTHONY J. CUTROPIA

DEFAULT DECISION: Government Code section 11520(a) provides that an agency may take action where, as in the present case, a respondent, bearing the burden of establishing that he or she is entitled to an agency action (i.e. approval of a Disability Retirement Application), fails to file a Notice of Defense (NOD). Staff recommends that the Board adopt the Default Decision as the member failed to preserve his right to a hearing on the merits of the action being sought from STRS by not filing a NOD.

PROPOSED
RESOLUTION
OF THE
TEACHERS' RETIREMENT BOARD
BENEFITS AND SERVICES COMMITTEE

Subject: Consent Agenda
Consideration of Proposed Decisions

Resolution No. _____

WHEREAS, the Benefits and Services Committee has been delegated the authority by the Board to act finally on the following proposed decisions; and

WHEREAS, the Committee has reviewed the following proposed decisions: Donald J. Peterson, Request to Change Effective Date of Pre-Retirement Election of an Option, Denied; Ruth Carpe, Request to Change Benefit Coverage, Denied; Fred G. Meyer, Request to Retroactively Change Allowance Choice After Retired Member's Death, Denied; Naomi C. Dinkins (AKA Naomi C. Perry), Request for Disability Allowance, Denied; Georgina Klute, Request to Receive an Option Allowance, Denied; Dan Robbins, Appeal of Disability Retirement Overpayment, Denied; Georgia E. Taylor, Member failed to preserve her right to a hearing on the merits of the action being sought from STRS by not filing a NOD, Denied; Anthony J. Cutropia, Member failed to preserve his right to a hearing on the merits of the action being sought from STRS by not filing a NOD, Denied;

WHEREAS, the Committee finds this in conformance with the guidelines adopted by the Board; Therefore be it

RESOLVED, that the Proposed Decisions listed above are adopted.

Adopted by:
Benefits and Services Committee

On _____

JAMES D. MOSMAN
Chief Executive Officer